

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EDWIN C. MARTIN, JR. et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Cause No. 4 05CV01857 AGF
)	
JAMES P. HOLLORAN, et al.,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO QUASH DEPOSITION SUBPOENA

COME NOW Defendants, by and through their counsel, and for their motion to quash deposition subpoena, hereby request that this Honorable Court quash the deposition subpoena directed to Mr. Andrew O'Brien in the above styled cause of action. Said subpoena requests Mr. O'Brien to appear for deposition on April 9, 2010. Mr. O'Brien's deposition has already been taken on two (2) occasions: June 12, 2007, and December 29, 2009. Defense counsel is unavailable on April 9, 2010. In addition, Plaintiffs' subpoena attempts to schedule a deposition after the deadline for such depositions as ordered by this Court.

WHEREFORE, Defendants respectfully request this Honorable Court GRANT their motion to quash deposition subpoena directed to Mr. Andrew O'Brien.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of April, 2010, the foregoing was filed via the court's electronic filing system and faxed to Attorneys for Plaintiff, John E. Toma, Jr., Melissa M. Zensen, #2 North Meramec Avenue, Clayton, MO 63105.

/s/ Thomas E. Schwartz